IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12026 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SIDDHARTH A MANTAGANI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MS SK VISHEN for Petitioner

MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 04/12/2000

ORAL JUDGEMENT

1. Heard learned counsel Ms. Vishen for the petitioner and learned Sr. CGSC Mr. Akshay Mehta for the respondent. Rule. Mr. Akshay Mehta, learned Sr. CGSC waives service of rule on behalf of respondent Regional

Passport Officer, Ahmedabad.

2. Learned counsel for the petitioner submitted that the petitioner Siddharth A Mantagani has filed this petition for a direction on the respondent Regional Passport Officer, Ahmedabad, for correction in the date of birth in the international passport issued to the petitioner on 7-3-2000, having passport No. A 8703238. It is submitted by learned counsel for the petitioner that the petitioner was born on 9-5-1981 and the Municipal Corporation of Greater Bombay, in Public Health Department has issued birth certificate of the petitioner and according to the said local authority the date of birth of the petitioner is 9-5-1981. It is submitted by learned counsel for the petitioner that, while taking admission in the school the date of birth of the petitioner was erroneously recorded as 9-5-1982. Learned counsel for the petitioner submitted that, in the case of discrepancy in date of birth, the certificate issued by the local authority should prevail over other documents. Learned counsel submitted that, it is necessary to correct the date of birth recorded in the passport issued by the respondent. The petitioner has submitted all the relevant documents before the Regional Passport Officer but the respondent has refused to correct the date of birth and insisted that an order from a competent Court is required for correction of date of birth.

3. Learned Sr. CGSC Mr. Mehta representing the respondent submitted that, if the petitioner submits the original birth certificate issued by Municipal Corporation of Greater Bombay in the Public Health Department, then the respondent may consider the same for correcting date of birth of the petitioner in the passport. It is true that, in the event of any discrepancy in the date of birth, the certificate issued by local authority should prevail as a genuine date of birth. Accordingly respondent Regional Passport Officer, Ahmedabad is directed to consider the case of the petitioner for changing the date of birth from 9-5-1982 to 9-5-1981 in accordance with the certificate issued by Municipal Corporation of Greater Bombay. It appears that the Regional Passport Officer has recorded date of birth of the petitioner in accordance with the school certificate submitted by the petitioner and therefore, I do not find any fault with the respondent authority and it cannot be said that the mistake is on the part of the respondent officer. Since the petitioner is now producing the birth certificate issued by local authority, I am of the view that the respondent should consider the same and correct the date of birth of the

petitioner as 9-5-1981 in accordance with the said certificate. In case the petitioner is required to apply for fresh passport, the petitioner shall comply with the requisite formalities for the same. Accordingly the petition is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

4. Since the respondent is not responsible for the mistake in question, the petitioner shall pay cost of this petition to the respondent authority, which is quantified at Rs.1,500-00 within two weeks from today. Direct service permitted.

Dt: 4-12-2000

(P.K. Sarkar, J)

/vgn.